

PREPARED TESTIMONY ON
S.578 THE TRIBAL GOVERNMENT HOMELAND SECURITY ACT OF 2002.

INTRODUCTION:

THANK YOU for the opportunity to testify today. I am here on behalf of the Blackfeet Tribe. I know my time today is brief.

I intend to address three topics that are relevant to Homeland Security. First, for those of you who may not know much about the Blackfeet Nation or the Blackfeet Reservation I will give you a brief history on the treaties between the Blackfeet Tribe and the Federal Government. The next part of this testimony I will focus on the law enforcement entities that have are located or have a presence on the Blackfeet Reservation and finally, if time allows, I will give you a brief background on how the current or modern era of case law has severely and detrimentally affected the Blackfeet people and finally I will request your support of the proposed Amendments to the Homeland Security Act.

I. Blackfeet Tribe or Tribes a semi-sovereign entity.

A. History

In 1855 first Treaty between Federal Government and Blackfeet Tribe

1865&1868 two treaties drafted and signed by Blackfeet Tribe but not ratified by Congress

1896 Grinnell Treaty (Glacier National Park for 1.5 million to be paid at \$150,000 per year for the next ten years)

B. Current Reservation

Total Miles on Reservation - 1.5 million acres

- 1) Trust land -
 - a) Blackfeet Tribe 311,324.98
 - b) Tribal Members 650,557.94
- 2) Fee land -970,173.98
- 3) Government Reserve 8,291.58, i.e. irrigation projects, school reserve.
- 4) Miles of Border - 56 to 63 miles

II. Law Enforcement three entities are Tribal law enforcement, Bureau of Indian Affairs, and Federal Bureau of Investigation.

A. Bureau of Indian Affairs

- 1) Presence of patrol officers since February 2003.
- 2) Presence of criminal investigators since January 2002.
 - Tribe retroceded 638 K. in Feb. 2003.

- Many problems exist between the BIA and Blackfeet government, but we are doing our best to solve our problems.

B. Federal Bureau of Investigation

- 1) Presence on Blackfeet Reservation for approximately 6 years.
- 2) Investigate major crimes
- 3) Prosecute Indians in Federal Court
- 4) Many crimes are not investigated.
- 5) Only in situations involving a very serious bodily-injury, death or drug offense are matters investigated.
- 6) Little communication between tribal law enforcement and this Bureau.
- 7) Anticipate contacting the Director of the FBI to discuss its role on the Reservation

C. Tribal Law Enforcement

- 1) 638 K. in 1996. This contract was voluntarily retroceded in Feb. 2003.

When Tribe operated this contract had employed almost double the number of officers than the BIA as the Tribes salaries are not the same as the Federal government.

Even with the increase in law enforcement tribe was unable to cover outer lying areas.

2) Creation of Tribal Law Enforcement Department using COPs Grant funding.

- a) With the COPs Grant have ability to cover outer lying areas and with the changes to the Homeland Security Act will have ability to station officers at remote locations.
- b) The Blackfeet Tribe currently employs 14 officers under COPs Grant.
- c) Anticipate hiring approximately 15 more officers.
- d) Anticipates a MOA with Glacier County to cross-deputize offices.
- e) Anticipate a MOA with Montana State Highway Patrol.
- f) Anticipate a MOA with Bureau of Indian Affairs.

III. Impact of last 26 years of Supreme Court Decisions.

For almost One Hundred and Forty years the United States Supreme Court, recognized the Tribes as Nations who the Federal Government has a special trust relationship with and as such State law was incompatible with federal laws and the United States Constitution.

This was the rule until 1978, Justice Rehnquist, writing for the majority penned **Oliphant v. Squamish Indian Tribe**. In this case the court reasoned that because Congress had never delegated authority to the tribes to enforce criminal laws against non-Indians, there was no legal basis for this assertion of this authority by an Indian tribe.

Practically speaking this has created a mess. People living on the Reservation do not know who to turn to for help. Tribe should be the one that controls, not BIA, not FBI. This has not been tried.

The Tribe needs to be given back what the United States Supreme Court has taken. Non-Indians choose to live on the Blackfeet Reservation. They must be subject to its criminal laws in order for the Blackfeet Nation to keep the peace.

IV. Tribal Courts.

Increased funding for the Tribal Courts is necessary.

Statistics

2001 6,725 Criminal Cases

2000 7,580 Criminal Cases

The Blackfeet Tribe has one prosecutor and two public defenders.

V. CONCLUSION

This, I know is a quick summary.

As I stated in the beginning I am here on the behalf of the Blackfeet people requesting that you support the proposed amendments to the Homeland Security Act.

These Amendments are practical and they make sense. Who better to police the Blackfeet Reservation but the Blackfeet people.

For these reasons I respectfully request your support of the Amendments to the Homeland Security Act.

Thank you.